

Case No. S168047
IN THE
Supreme Court of the State of California

SUPREME COURT
FILED

KAREN L. STRAUSS et al.,

Petitioners,

v.

MARK B. HORTON, as State Registrar of Vital Statistics, etc., et al.,

Respondents;

DENNIS HOLLINGSWORTH et al.,

Intervenors.

DEC 19 2008

Frederick K. Ohlrich Clerk

Deputy

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT
OF INTERVENERS' OPPOSITION BRIEF; DECLARATION
OF ANDREW P. PUGNO; PROPOSED ORDER**

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Attorneys for Intervenors

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Attorneys for Intervenors

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that pursuant to Rule 8.252(a) of the California Rules of Court, and California Evidence Code sections 452 and 459, Interveners Dennis Hollingsworth et al. request that this Court take judicial notice of the following documents:

- Exhibit 1:** Official Proponents' request for title and summary, Initiative #07-0068, filed Oct. 5, 2007.
- Exhibit 2:** Press Release, California Secretary of State, *Secretary of State Debra Bowen Certifies Eighth Measure for November 4, 2008, General Election*, June 2, 2008.
- Exhibit 3:** S147999, *In Re Marriage Cases*, Order filed June 4, 2008.
- Exhibit 4:** Voter Information Guide, Gen. Elec. (Nov. 4, 2008) Official Title and Summary of Prop. 8, p. 54.
- Exhibit 5:** Voter Information Guide, Gen. Elec. (Nov. 4, 2008) Analysis by the Legislative Analyst of Prop. 8, p. 55.
- Exhibit 6:** Voter Information Guide, Gen. Elec. (Nov. 4, 2008) Ballot Arguments and Rebuttals, For and Against Prop. 8, pp. 56-57.
- Exhibit 7:** Statement of Vote, Gen. Elec. (Nov. 4, 2008) pp. 6-7.
- Exhibit 8:** Assem. Const. Amend. No. 60, Stats. 1974 (1973-1974 Reg. Sess.) res. ch. 90, pp. 3736-3740.

- Exhibit 9:** Voters Pamphlet, Gen. Elec. (Nov. 5, 1974) ballot materials for Prop. 7, pp. 26-27, 70-72.
- Exhibit 10:** Assem. Const. Amend. No. 14, Stats. 1961 (1961 Reg. Sess.) res. ch. 222, pp. 5013-5014.
- Exhibit 11:** Voters Pamphlet, Gen. Elec. (Nov. 6, 1962) ballot materials for Prop. 7, p. 13 and Part II, p. 13.

This request is made on the grounds that (1) the Evidence Code authorizes this Court to take judicial notice of Exhibits 1-11; and (2) these materials are directly relevant to matters at issue in this extraordinary writ proceeding. This request is based on this Notice, the accompanying Memorandum of Points and Authorities, the supporting Declaration of Andrew P. Pugno, and such other matters as may properly come before the Court.

Dated: December 18, 2008

Respectfully submitted,

KENNETH W. STARR

ANDREW P. PUGNO
LAW OFFICES OF ANDREW P. PUGNO

By: Andrew P. Pugno
ANDREW P. PUGNO
Attorneys for Intervenors

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MEMORANDUM OF POINTS AND AUTHORITIES

I. Exhibit 1 Sets Forth The Written Request For Title And Summary By Proposition 8's Official Proponents, Which May Be Judicially Noticed As An Administrative Agency Record Maintained Pursuant To An Express Statutory Duty Of The State Attorney General.

Exhibit 1 sets forth the written request that was submitted by Proposition 8's Official Proponents to the Attorney General on October 5, 2007 for preparation of a title and summary of the chief purpose and points of the measure. Submission of any such written request to the Attorney General for preparation of a title and summary is governed by Elections Code section 9002. That statute expressly requires the Attorney General's office to preserve a record of the written request. (Elec. Code, § 9002 [“The Attorney General shall preserve the written request until after the next general election.”].) Therefore this document may be judicially noticed as an administrative agency record of the office of the State Attorney General. (Evid. Code, § 452(c); *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 843.) The identities of the Official Proponents, and the date on which the written request was submitted by the Official Proponents to the Attorney General as set forth in Exhibit 1, are facts directly relevant to the factual background and legislative history leading up to Proposition 8's enactment by the voters.

II. Exhibits 2 And 7 Set Forth Public Records Of The Official Acts Of The California Secretary Of State, Both Of Which May Be Judicially Noticed As Administrative Agency Records.

Exhibits 3 and 7 set forth the California Secretary of State's official announcement on June 2, 2008 that Proposition 8 had qualified to appear on the 2008 General Election ballot, and the Secretary of State's official Statement of Vote certifying that Proposition 8 was adopted by a majority

of voters at the election. Both of these documents are official publications issued by the Secretary of State in connection with statutory duties imposed upon that office, and therefore may be judicially noticed as administrative agency records of official acts of the executive department of the State. (Evid. Code, § 452(c); *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 843; see also Evid. Code, § 452(h) [authorizing judicial notice of “[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.”]; and *Kagan v. Kearney* (1978) 85 Cal.App.3d 1010, 1016 [“[W]e take judicial notice of the fact that the Registrar disseminated election information through press releases to all the media.”].) The date on which Proposition 8 officially qualified for the ballot, and the election results, are relevant to the factual background and legislative history leading up to Proposition 8’s enactment by the voters.

III. Exhibit 3 Sets Forth An Order Issued By This Court Following The *Marriage Cases* Decision That May Be Judicially Noticed As A Record Of This Court.

Exhibit 3 sets forth this Court’s order of June 4, 2008 denying requests for a stay of the effective date of the decision in *In Re Marriage Cases* until after the November 2008 election. Judicial notice may be taken of the records of any court of this state. (Evid. Code, § 452(d).) The denial of the requested stay is directly relevant to this case insofar as it allowed same-sex marriages to be licensed and solemnized beginning June 16, 2008, creating the issue currently under consideration in this writ proceeding regarding the effect of Proposition 8 upon those same-sex marriages performed prior to its enactment.

IV. Exhibits 4, 5, 6, 9 And 11 Set Forth Official Ballot Pamphlet Materials That May Be Judicially Noticed As Cognizable Evidence Of Legislative Intent of the Voters.

Exhibits 4, 5 and 6 set forth portions of the Voter Information Guide for the November 2008 General Election, wherein the official title and summary of Proposition 8, the ballot analysis of Proposition 8 by the Office of the Legislative Analyst, and the ballot arguments (and rebuttal arguments) in favor and against Proposition 8 were presented to the voters for consideration. Exhibit 9 sets forth the official ballot pamphlet materials for Proposition 7 in the 1974 General Election (by which the equal protection clause was added to the California Constitution), and Exhibit 11 sets forth the official ballot pamphlet materials for Proposition 7 in the 1962 General Election (by which the Constitution was amended to permit the Legislature to propose constitutional revisions directly to the voters).

All of these ballot measures are directly relevant to the issues in this case concerning the history of the legal process for amending or revising the state Constitution with regard to individual rights protected under the state Constitution, including equal protection. In seeking to ascertain legislative intent in connection with approved ballot measures, the official statements submitted to the voters in the official voter information guide may be judicially noticed and considered. (*Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* (2005) 133 Cal.App.4th 26, 31; *City of Gilroy v. State Bd. of Equalization* (1989) 212 Cal.App.3d 589, 599.)

V. Exhibits 8 And 10 Set Forth two Chaptered Resolutions Enacting Assembly Constitutional Amendments That May Be Judicially Noticed As Official Acts Of The Legislature.

Exhibits 8 and 10 are the chaptered resolutions by which the California Legislature enacted Assembly Constitutional Amendments to

propose two ballot measures to the voters: Proposition 7 (1974) and Proposition 7 (1962). These successful ballot measures added the equal protection clause to the California Constitution, and authorized the Legislature to propose constitutional revisions directly to the voters for ratification, respectively. Both of these matters are directly relevant to the questions in the present writ proceeding regarding the process for enacting constitutional revisions and the impact of Proposition 8 upon the equal protection clause. Judicial notice may be taken of these Assembly Constitutional Amendments as official acts of the Legislature. (Evid. Code, § 452(c); see also Evid. Code, § 451(a) [mandatory judicial notice of “public statutory law of this state”].)

CONCLUSION

For the foregoing reasons, Interveners request that this Court take judicial notice of Exhibits 1-11.

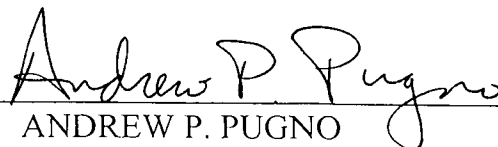
Dated: December 18, 2008

Respectfully submitted,

KENNETH W. STARR

ANDREW P. PUGNO

LAW OFFICES OF ANDREW P. PUGNO

By: 
ANDREW P. PUGNO
Attorneys for Interveners

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**DECLARATION OF
ANDREW P. PUGNO**

I, Andrew P. Pugno, declare as follows:

1. I am an attorney licensed to practice before this Court. I am an attorney of record for the Interveners in the above-captioned action. I have personal knowledge of the facts stated herein, and if called as a witness I would testify competently thereto.

2. I make this declaration in support of the foregoing Request for Judicial Notice in Support of Interveners' Opposition Brief.

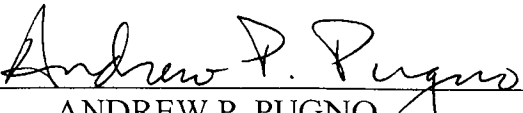
3. Attached hereto as Exhibits 1-11 are true and correct copies of the following documents, with sources indicated:

- Exhibit 1:** Official Proponents' request for title and summary, Initiative #07-0068, filed Oct. 5, 2007. [Obtained from the Attorney General's website at: http://ag.ca.gov/cms_attachments/initiatives/pdfs/i737_07-0068_Initiative.pdf]
- Exhibit 2:** Press Release, California Secretary of State, *Secretary of State Debra Bowen Certifies Eighth Measure for November 4, 2008, General Election*, June 2, 2008. [Obtained from the Secretary of State's website at: <http://www.sos.ca.gov/admin/press-releases/2008/DB08-068.pdf>]
- Exhibit 3:** S147999, *In Re Marriage Cases*, Order filed June 4, 2008. [Obtained from the California Supreme Court's website at: <http://www.courtinfo.ca.gov/presscenter/newsreleases/NR31-08.PDF>]
- Exhibit 4:** Voter Information Guide, Gen. Elec. (Nov. 4, 2008) Official Title and Summary of Prop. 8, p. 54. [Obtained from the Secretary of State's website at: <http://www.voterguide.sos.ca.gov/title-sum/pdf/prop8-title-summary.pdf>]

- Exhibit 5:** Voter Information Guide, Gen. Elec. (Nov. 4, 2008) Analysis by the Legislative Analyst of Prop. 8, p. 55. [Obtained from the Secretary of State's website at: <http://www.voterguide.sos.ca.gov/analysis/pdf/prop8-analysis.pdf>]
- Exhibit 6:** Voter Information Guide, Gen. Elec. (Nov. 4, 2008) Ballot Arguments and Rebuttals, For and Against Prop. 8, pp. 56-57. [Obtained from the Secretary of State's website at: <http://www.voterguide.sos.ca.gov/argu-rebut/pdf/prop8-a-and-r.pdf>]
- Exhibit 7:** Statement of Vote, Gen. Elec. (Nov. 4, 2008) pp. 6-7. [Obtained from the Secretary of State's website at: http://www.sos.ca.gov/elections/sov/2008_general/sov_complete.pdf]
- Exhibit 8:** Assem. Const. Amend. No. 60, Stats. 1974 (1973-1974 Reg. Sess.) res. ch. 90, pp. 3736-3740. [Obtained from the website of the Office of the Chief Clerk, California State Assembly, at: <http://192.234.213.35/clerkarchive/>]
- Exhibit 9:** Voters Pamphlet, Gen. Elec. (Nov. 5, 1974) ballot materials for Prop. 7, pp. 26-27, 70-72. [Obtained from U.C. Hastings College of the Law Library website at: http://library.uchastings.edu/ballot_pdf/1974g.pdf]
- Exhibit 10:** Assem. Const. Amend. No. 14, Stats. 1961 (1961 Reg. Sess.) res. ch. 222, pp. 5013-5014. [Obtained from the website of the Office of the Chief Clerk, California State Assembly, at: <http://192.234.213.35/clerkarchive/>]
- Exhibit 11:** Voters Pamphlet, Gen. Elec. (Nov. 6, 1962) ballot materials for Prop. 7, p. 13 and Part II, p. 13. [Obtained from U.C. Hastings College of the Law Library website at: http://library.uchastings.edu/ballot_pdf/1962g.pdf]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in Folsom, California on December 18, 2008.



ANDREW P. PUGNO

[PROPOSED] ORDER

FOR GOOD CAUSE SHOWN, this Court GRANTS Interveners'
Request for Judicial Notice of the following documents:

- Exhibit 1:** Official Proponents' request for title and summary, Initiative #07-0068, filed Oct. 5, 2007.
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Dated: _____

Justice of the Supreme Court

TABLE OF CONTENTS

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07-0068

PROTECTMARRIAGE.COM

RECEIVED
after 3pm
OCT - 5 2007

October 1, 2007

Initiative Coordinator
Office of the California Attorney General
1300 I Street
Sacramento, CA 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary of Proposed Initiative

Dear Initiative Coordinator:

I am one of the proponents of the proposed initiative constitutional amendment filed herewith. We request that the Attorney General prepare a title and summary of the chief purpose and points of this proposed measure. Enclosed please find the text of the proposed measure, my residence address at which I am registered to vote, and the filing fee of \$200.

Please forward any inquiries you may have regarding this measure to Andrew Pugno, P.O. Box 1993, Fair Oaks, CA 95628, (916) 608-3065.

Sincerely,

DENNIS HOLLINGSWORTH

PROTECTMARRIAGE.COM

RECEIVED
after 3pm
OCT - 5 2007

October 4, 2007

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

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Sincerely,

GAIL E. KNIGHT

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Sincerely,

MARTIN GUTIERREZ

PROTECTMARRIAGE.COM

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Sacramento, CA 95814

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Sincerely,


HAK-SHING WILLIAM TAM

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Sincerely,

MARK A. LANSSEN

SECTION 1. Title

This measure shall be known and may be cited as the "California Marriage Protection Act."

SECTION 2. Article I, Section 7.5 is added to the California Constitution, to read:

Sec. 7.5. Only marriage between a man and a woman is valid or recognized in California.

DEBRA BOWEN

CALIFORNIA SECRETARY OF STATE

DB08:068

FOR IMMEDIATE RELEASE
June 2, 2008

CONTACT: Kate Folmar
(916) 653-6575

Secretary of State Debra Bowen Certifies Eighth Measure for November 4, 2008, General Election

SACRAMENTO – Secretary of State Debra Bowen today certified the eighth initiative for the November 4, 2008, General Election ballot. The measure would amend California's Constitution to define marriage as a union "between a man and a woman."

The first seven propositions to qualify for the November ballot were a high-speed rail bond, a measure relating to the treatment of farm animals, a children's hospital bond, a parental notification for abortion measure, a measure involving the sentencing of nonviolent offenders, a measure regarding increased criminal penalties and public safety funding, and a renewable energy measure.

In order to qualify for the ballot, the marriage definition measure needed 694,354 valid petition signatures, which is equal to 8% of the total votes cast for governor in the November 2006 General Election. The initiative proponents submitted 1,120,801 signatures in an attempt to qualify the measure, and it qualified through the random sample signature check.

County elections officials have 30 working days to verify the validity of the signatures filed with their offices using a random sampling method. The state Elections Code requires elections officials to verify 500 signatures, or 3% of the number of signatures filed in their county, whichever is greater. Counties receiving fewer than 500 petition signatures are required to verify all the signatures filed in their offices.

A measure can qualify via random sampling, without further verification, if the sampling projects a number of valid signatures greater than 110% of the required number. This measure needed at least 763,790 projected valid signatures to qualify by random sampling, and it exceeded that threshold today with 764,063 projected valid signatures.

The Attorney General's official title and summary of the initiative is as follows:

LIMIT ON MARRIAGE. CONSTITUTIONAL AMENDMENT. Amends the California Constitution to provide that only marriage between a man and a woman is valid or recognized in California. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: The measure would have no fiscal effect on state or local governments. This is because there would be no change to the manner in which marriages are currently recognized by the state. (Initiative 07-0068.)

– MORE –

DB08:068

Page 2

June 2, 2008

The initiative proponents, Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Hak-Shing William Tam, and Mark A. Jansson, can be reached at (916) 608-3065.

The last day to qualify a measure for the November General Election ballot is June 26.

For more information about how an initiative qualifies for the ballot in California, go to http://www.sos.ca.gov/elections/initiative_guide.htm.

###

Court of Appeal, First Appellate District, Div. 3 - Nos.
A110449/A110450/A110451/A110463/A110651/A110652
S147999

JUN 04 2008

Frederick H. Ohlrich Clerk

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re MARRIAGE CASES.

The requests for judicial notice filed on May 22, 2008, by the Proposition 22 Legal Defense and Education Fund and on May 30, 2008, by the Campaign for California Families are granted in part and denied in part. The requests for judicial notice of the information regarding authentication of signatures on the "Limit on Marriage" initiative published by the Secretary of State at http://www.sos.ca.gov/elections/pend_sig/init_sample_1298.pdf are granted. In all other respects, the requests for judicial notice are denied.

The request for judicial notice filed on May 28, 2008, by the City and County of San Francisco is granted.

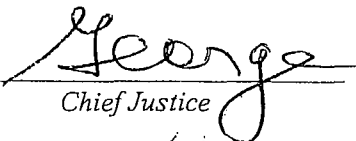
The petition for rehearing filed by the Proposition 22 Legal Defense and Education Fund on May 22, 2008, is denied.

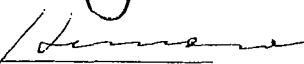
The petition for rehearing and motion for stay filed by the Campaign for California Families on May 30, 2008, is denied.

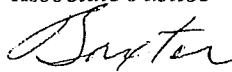
Baxter, Chin, and Corrigan, JJ., are of the opinion rehearing should be granted.

The request to stay the effective date of the decision of the court filed on May 15, 2008, until after the November 2008 election is denied.

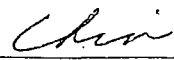
The decision filed on May 15, 2008 will become final on June 16, 2008 at 5 p.m.

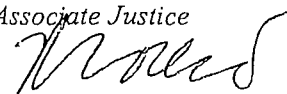

Chief Justice



Associate Justice


Associate Justice


Associate Justice


Associate Justice


Associate Justice


Associate Justice

C A L I F O R N I A
GENERAL
ELECTION

TUESDAY, NOVEMBER 4, 2008



OFFICIAL VOTER INFORMATION GUIDE



Certificate of Correctness

I, Debra Bowen, Secretary of State of the State of California, do hereby certify that the measures included herein will be submitted to the electors of the State of California at the General Election to be held throughout the State on November 4, 2008, and that this guide has been correctly prepared in accordance with the law.

Witness my hand and the Great Seal of the State in Sacramento, California, on this 11th day of August, 2008.

Debra Bowen



Debra Bowen
Secretary of State

**ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY. INITIATIVE CONSTITUTIONAL AMENDMENT.

- Changes the California Constitution to eliminate the right of same-sex couples to marry in California.
- Provides that only marriage between a man and a woman is valid or recognized in California.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Over the next few years, potential revenue loss, mainly from sales taxes, totaling in the several tens of millions of dollars, to state and local governments.
- In the long run, likely little fiscal impact on state and local governments.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

In March 2000, California voters passed Proposition 22 to specify in state law that only marriage between a man and a woman is valid or recognized in California. In May 2008, the California Supreme Court ruled that the statute enacted by Proposition 22 and other statutes that limit marriage to a relationship between a man and a woman violated the equal protection clause of the California Constitution. It also held that individuals of the same sex have the right to marry under the California Constitution. As a result of the ruling, marriage between individuals of the same sex is currently valid or recognized in the state.

PROPOSAL

This measure amends the California Constitution to specify that only marriage between a man and a woman is valid or recognized in California. As a result, notwithstanding the California Supreme Court ruling of May 2008, marriage would be limited to individuals of the opposite sex, and individuals of the same sex would not have the right to marry in California.

FISCAL EFFECTS

Because marriage between individuals of the same sex is currently valid in California, there would likely be an increase in spending on weddings by same-sex couples in California over the next few years. This would result in increased revenue, primarily sales tax revenue, to state and local governments.

By specifying that marriage between individuals of the same sex is not valid or recognized, this measure could result in revenue loss, mainly from sales taxes, to state and local governments. Over the next few years, this loss could potentially total in the several tens of millions of dollars. Over the long run, this measure would likely have little fiscal impact on state and local governments.

★ ARGUMENT IN FAVOR OF PROPOSITION 8 ★

Proposition 8 is simple and straightforward. It contains the same 14 words that were previously approved in 2000 by over 61% of California voters: "Only marriage between a man and a woman is valid or recognized in California."

Because four activist judges in San Francisco wrongly overturned the people's vote, we need to pass this measure as a constitutional amendment to RESTORE THE DEFINITION OF MARRIAGE as a man and a woman.

Proposition 8 is about preserving marriage; *it's not an attack on the gay lifestyle*. Proposition 8 doesn't take away any rights or benefits of gay or lesbian domestic partnerships. Under California law, "domestic partners shall have the same rights, protections, and benefits" as married spouses. (Family Code § 297.5.) There are NO exceptions. Proposition 8 WILL NOT change this.

YES on Proposition 8 does three simple things:

It restores the definition of marriage to what the vast majority of California voters already approved and human history has understood marriage to be.

It overturns the outrageous decision of four activist Supreme Court judges who ignored the will of the people.

It protects our children from being taught in public schools that "same-sex marriage" is the same as traditional marriage.

Proposition 8 protects marriage as an essential institution of society. While death, divorce, or other circumstances may prevent the ideal, the best situation for a child is to be raised by a married mother and father.

The narrow decision of the California Supreme Court isn't just about "live and let live." State law may require teachers to instruct children as young as kindergarteners about marriage. (Education Code § 51890.) If the gay marriage ruling is not overturned, **TEACHERS COULD BE REQUIRED** to teach young children there is *no difference* between gay marriage and traditional marriage.

We should not accept a court decision that may result in public schools teaching our kids that gay marriage is okay. That is an issue for parents to discuss with their children according to their own values and beliefs. *It shouldn't be forced on us against our will.*

Some will try to tell you that Proposition 8 takes away legal rights of gay domestic partnerships. That is false. Proposition 8 DOES NOT take away any of those rights and does not interfere with gays living the lifestyle they choose.

However, while gays have the right to their private lives, *they do not have the right to redefine marriage* for everyone else.

CALIFORNIANS HAVE NEVER VOTED FOR SAME-SEX MARRIAGE. If gay activists want to legalize gay marriage, they should put it on the ballot. Instead, they have gone behind the backs of voters and convinced four activist judges in San Francisco to redefine marriage for the rest of society. That is the wrong approach.

Voting YES on Proposition 8 RESTORES the definition of marriage that was approved by over 61% of voters. Voting YES overturns the decision of four activist judges. Voting YES *protects our children*.

Please vote YES on Proposition 8 to RESTORE the meaning of marriage.

RON PRENTICE, President

California Family Council

ROSEMARIE "ROSIE" AVILA, Governing Board Member

Santa Ana Unified School District

BISHOP GEORGE MCKINNEY, Director

Coalition of African American Pastors

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 8 ★

Don't be tricked by scare tactics.

- **PROP. 8 DOESN'T HAVE ANYTHING TO DO WITH SCHOOLS**

There's NOT ONE WORD IN 8 ABOUT EDUCATION. In fact, local school districts and parents—not the state—develop health education programs for their schools.

NO CHILD CAN BE FORCED, AGAINST THE WILL OF THEIR PARENTS, TO BE TAUGHT ANYTHING about health and family issues. CALIFORNIA LAW PROHIBITS IT.

AND NOTHING IN STATE LAW REQUIRES THE MENTION OF MARRIAGE IN KINDERGARTEN!

It's a smokescreen.

- DOMESTIC PARTNERSHIPS and MARRIAGE AREN'T THE SAME.

CALIFORNIA STATUTES CLEARLY IDENTIFY NINE REAL DIFFERENCES BETWEEN MARRIAGE AND DOMESTIC PARTNERSHIPS. Only marriage provides the security that spouses provide one another—it's why people get married in the first place!

Think about it. Married couples depend on spouses when they're sick, hurt, or aging. They accompany them into ambulances or hospital rooms, and help make life-and-death decisions, with no questions asked. **ONLY MARRIAGE ENDS**

THE CONFUSION AND GUARANTEES THE CERTAINTY COUPLES CAN COUNT ON IN TIMES OF GREATEST NEED.

Regardless of how you feel about this issue, we should guarantee the same fundamental freedoms to every Californian.

- **PROP. 8 TAKES AWAY THE RIGHTS OF GAY AND LESBIAN COUPLES AND TREATS THEM DIFFERENTLY UNDER THE LAW.**

Equality under the law is one of the basic foundations of our society.

Prop. 8 means one class of citizens can enjoy the dignity and responsibility of marriage, and another cannot. That's unfair.

PROTECT FUNDAMENTAL FREEDOMS. SAY NO TO PROP. 8.

www.NoonProp8.com

ELLYNE BELL, School Board Member

Sacramento City Schools

RACHAEL SALCIDO, Associate Professor of Law

McGeorge School of Law

DELAINE EASTIN

Former California State Superintendent of Public Instruction

★ **ARGUMENT AGAINST PROPOSITION 8** ★

OUR CALIFORNIA CONSTITUTION—the law of our land—SHOULD GUARANTEE THE SAME FREEDOMS AND RIGHTS TO EVERYONE—NO ONE group SHOULD be singled out to BE TREATED DIFFERENTLY.

In fact, our nation was founded on the principle that all people should be treated equally. EQUAL PROTECTION UNDER THE LAW IS THE FOUNDATION OF AMERICAN SOCIETY.

That's what this election is about—equality, freedom, and fairness, for all.

Marriage is the institution that conveys dignity and respect to the lifetime commitment of any couple. PROPOSITION 8 WOULD DENY LESBIAN AND GAY COUPLES that same DIGNITY AND RESPECT.

That's why Proposition 8 is wrong for California.

Regardless of how you feel about this issue, the freedom to marry is fundamental to our society, just like the freedoms of religion and speech.

PROPOSITION 8 MANDATES ONE SET OF RULES FOR GAY AND LESBIAN COUPLES AND ANOTHER SET FOR EVERYONE ELSE. That's just not fair. OUR LAWS SHOULD TREAT EVERYONE EQUALLY.

In fact, the government has no business telling people who can and cannot get married. Just like government has no business telling us what to read, watch on TV, or do in our private lives. We don't need Prop. 8; WE DON'T NEED MORE GOVERNMENT IN OUR LIVES.

REGARDLESS OF HOW ANYONE FEELS ABOUT MARRIAGE FOR GAY AND LESBIAN COUPLES, PEOPLE SHOULD NOT BE SINGLED OUT FOR UNFAIR TREATMENT UNDER THE LAWS OF OUR STATE.

Those committed and loving couples who want to accept the responsibility that comes with marriage should be treated like everyone else.

DOMESTIC PARTNERSHIPS ARE NOT MARRIAGE.

When you're married and your spouse is sick or hurt, there is no confusion: you get into the ambulance or hospital room with no questions asked. IN EVERYDAY LIFE, AND ESPECIALLY IN EMERGENCY SITUATIONS, DOMESTIC PARTNERSHIPS ARE SIMPLY NOT ENOUGH. Only marriage provides the certainty and the security that people know they can count on in their times of greatest need.

EQUALITY UNDER THE LAW IS A FUNDAMENTAL CONSTITUTIONAL GUARANTEE. Prop. 8 separates one group of Californians from another and excludes them from enjoying the same rights as other loving couples.

Forty-six years ago I married my college sweetheart, Julia. We raised three children—two boys and one girl. The boys are married, with children of their own. Our daughter, Liz, a lesbian, can now also be married—if she so chooses.

All we have ever wanted for our daughter is that she be treated with the same dignity and respect as her brothers—with the same freedoms and responsibilities as every other Californian.

My wife and I never treated our children differently, we never loved them any differently, and now the law doesn't treat them differently, either.

Each of our children now has the same rights as the others, to choose the person to love, commit to, and to marry.

Don't take away the equality, freedom, and fairness that everyone in California—straight, gay, or lesbian—deserves.

Please join us in voting NO on Prop. 8.

SAMUEL THORON, Former President
Parents, Families and Friends of Lesbians and Gays
JULIA MILLER THORON, Parent

★ **REBUTTAL TO ARGUMENT AGAINST PROPOSITION 8** ★

Proposition 8 is about traditional marriage; it is not an attack on gay relationships. Under California law gay and lesbian domestic partnerships are treated equally; they already have the same rights as married couples. Proposition 8 does not change that.

What Proposition 8 does is restore the meaning of marriage to what human history has understood it to be and over 61% of California voters approved just a few years ago.

Your YES vote ensures that the will of the people is respected. It overturns the flawed legal reasoning of four judges in San Francisco who wrongly disregarded the people's vote, and ensures that gay marriage can be legalized only through a vote of the people.

Your YES vote ensures that parents can teach their children about marriage according to their own values and beliefs without conflicting messages being forced on young children in public schools that gay marriage is okay.

Your YES vote on Proposition 8 means that only marriage between a man and a woman will be valid or recognized in California, regardless of when or where performed. But Prop. 8 will NOT take away any other rights or benefits of gay couples.

Gays and lesbians have the right to live the lifestyle they choose, but they do not have the right to redefine marriage for everyone else. Proposition 8 respects the rights of gays while still reaffirming traditional marriage.

Please vote YES on Proposition 8 to RESTORE the definition of marriage that the voters already approved.

DR. JANE ANDERSON, M.D., Fellow
American College of Pediatricians
ROBERT BOLINGBROKE, Council Commissioner
San Diego-Imperial Council, Boy Scouts of America
JERALEE SMITH, Director of Education/California
Parents and Friends of Ex-Gays and Gays (PFOX)

Statement of Vote

November 4, 2008, General Election



California Secretary of State Debra Bowen

**OFFICIAL DECLARATION OF THE VOTE RESULTS
ON NOVEMBER 4, 2008, STATE BALLOT MEASURES**

The following proposed laws were approved by voters:

State Ballot
Measure Number

Ballot Title

- | | |
|----|--|
| 1A | Safe, Reliable High-Speed Passenger Train Bond Act. |
| 2 | Standards for Confining Farm Animals. Initiative Statute. |
| 3 | Children's Hospital Bond Act. Grant Program. Initiative Statute. |
| 8 | Eliminates Right of Same-Sex Couples to Marry. Initiative Constitutional Amendment. |
| 9 | Criminal Justice System. Victims' Rights. Parole. Initiative Constitutional Amendment and Statute. |
| 11 | Redistricting. Initiative Constitutional Amendment and Statute. |
| 12 | Veterans' Bond Act of 2008. |

The following proposed laws were defeated by voters:

State Ballot
Measure Number

Ballot Title

- | | |
|----|--|
| 4 | Waiting Period and Parental Notification Before Termination of Minor's Pregnancy. Initiative Constitutional Amendment. |
| 5 | Nonviolent Drug Offenses. Sentencing, Parole and Rehabilitation. Initiative Statute. |
| 6 | Police and Law Enforcement Funding. Criminal Penalties and Laws. Initiative Statute. |
| 7 | Renewable Energy Generation. Initiative Statute. |
| 10 | Alternative Fuel Vehicles and Renewable Energy. Bonds. Initiative Statute. |

**VOTES FOR AND AGAINST
NOVEMBER 4, 2008, STATE BALLOT MEASURES**

State Ballot Measure Number	Votes	For Percent
1A	6,680,485	52.70%
2	8,203,769	63.50%
3	6,984,319	55.30%
4	6,220,473	48.00%
5	5,155,206	40.50%
6	3,824,372	30.80%
7	4,502,235	35.50%
8	7,001,084	52.30%
9	6,682,465	53.90%
10	5,098,666	40.50%
11	6,095,033	50.90%
12	7,807,630	63.60%

Effective Date of State Ballot Measures

“An initiative...approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise... If provisions of two or more measures approved at the same election conflict, those [provisions] of the measure receiving the highest affirmative vote shall take effect.”
California

“A proposed [legislative] amendment or revision shall be submitted to the electors at the same election. If a majority of votes thereon takes effect the day after the election unless the measure provides otherwise. If a provision of two or more measures approved at the same election conflict, those [provisions] of the measure receiving the highest affirmative vote shall take effect.”
California

Bond proposals submitted to the electors by the Legislature also take effect the day after the election unless a majority of votes thereon.

California

Volume 2

STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1974

Constitution of 1879 as Amended

Measures Submitted to Vote of Electors
Special Election, June 4, 1974
and General Election, November 5, 1974

General Laws, Amendments to the Codes
and Constitutional Amendments passed by
California Legislature

1973-74 Regular Session
and
1973-74 Second Extraordinary Session



Compiled by
GEORGE H. MURPHY
Legislative Counsel

RESOLUTION CHAPTER 89

Assembly Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 3 of Article II thereof, and Section 11 of Article XX thereof, relating to voting.

[Filed with Secretary of State June 29, 1974]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1973-74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That Section 3 of Article II be amended to read:

SEC. 3. The Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony.

Second—That Section 11 of Article XX is amended to read:

SEC. 11. Laws shall be made to exclude persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes from office or serving on juries. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

RESOLUTION CHAPTER 90

Assembly Constitutional Amendment No. 60—A resolution to propose to the people of the State of California an amendment to the Constitution of the state by adding Sections 3 and 28 to, by repealing and adding Sections 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 26 of, and by repealing Sections 8, 14½, and 21 of Article I, thereof, by amending Section 16 of Article IV thereof, and by amending and renumbering Sections 8 and 18 of Article XX thereof, relating to declaration and preservation of the rights of the people.

[Filed with Secretary of State June 29, 1974]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1973-74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That Section 1 of Article I be repealed.

Second—That Section 1 of Article I be added, to read:

SECTION 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

Third—That Section 2 of Article I be repealed.

Fourth—That Section 2 of Article I be added, to read:

SEC. 2. Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

Fifth—That Section 3 of Article I be added, to read:

SEC. 3. The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

Sixth—That Section 4 of Article I be repealed.

Seventh—That Section 4 of Article I be added, to read:

SEC. 4. Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion.

A person is not incompetent to be a witness or juror because of his or her opinions on religious beliefs.

Eighth—That Section 5 of Article I be repealed.

Ninth—That Section 5 of Article I be added, to read:

SEC. 5. The military is subordinate to civil power. A standing army may not be maintained in peacetime. Soldiers may not be quartered in any house in wartime except as prescribed by law, or in peacetime without the owner's consent.

Tenth—That Section 6 of Article I be repealed.

Eleventh—That Section 6 of Article I be added, to read:

SEC. 6. Slavery is prohibited. Involuntary servitude is prohibited except to punish crime.

Twelfth—That Section 7 of Article I be repealed.

Thirteenth—That Section 7 of Article I be added, to read:

SEC. 7. (a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws.

(b) A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. Privileges or immunities granted by the Legislature may be altered or revoked.

Fourteenth—That Section 8 of Article I be repealed.

Fifteenth—That Section 9 of Article I be repealed.

Sixteenth—That Section 9 of Article I be added, to read:

SEC. 9. A bill of attainder, ex post facto law, or law impairing the obligation of contracts may not be passed.

Seventeenth—That Section 10 of Article I be repealed.

Eighteenth—That Section 10 of Article I be added, to read:

SEC. 10. Witnesses may not be unreasonably detained. A person may not be imprisoned in a civil action for debt or tort, or in peacetime for a militia fine.

Nineteenth—That Section 11 of Article I be repealed.

Twentieth—That Section 11 of Article I be added, to read:

SEC. 11. Habeas corpus may not be suspended unless required by public safety in cases of rebellion or invasion.

Twenty-first—That Section 12 of Article I be repealed.

Twenty-second—That Section 12 of Article I be added, to read:

SEC. 12. A person shall be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required.

A person may be released on his or her own recognizance in the court's discretion.

Twenty-third—That Section 13 of Article I be repealed.

Twenty-fourth—That Section 13 of Article I be added, to read:

SEC. 13. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

Twenty-fifth—That Section 14 of Article I be repealed.

Twenty-sixth—That Section 14 of Article I be added, to read:

SEC. 14. Felonies shall be prosecuted as provided by law, either by indictment or, after examination and commitment by a magistrate, by information.

A person charged with a felony by complaint subscribed under penalty of perjury and on file in a court in the county where the felony is triable shall be taken without unnecessary delay before a magistrate of that court. The magistrate shall immediately give the defendant a copy of the complaint, inform the defendant of the defendant's right to counsel, allow the defendant a reasonable time to send for counsel, and on the defendant's request read the complaint to the defendant. On the defendant's request the magistrate shall require a peace officer to transmit within the county where the court is located a message to counsel named by defendant.

A person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.

Twenty-seventh—That Section 14½ of Article I be repealed.

Twenty-eighth—That Section 15 of Article I be repealed.

Twenty-ninth—That Section 15 of Article I be added, to read:

SEC. 15. The defendant in a criminal cause has the right to a speedy public trial, to compel attendance of witnesses in the defendant's behalf, to have the assistance of counsel for the defendant's defense, to be personally present with counsel, and to be confronted with the witnesses against the defendant. The Legislature may provide for the deposition of a witness in the presence of the defendant and the defendant's counsel.

Persons may not twice be put in jeopardy for the same offense, be compelled in a criminal cause to be a witness against themselves, or be deprived of life, liberty, or property without due process of law.

Thirtieth—That Section 16 of Article I be repealed.

Thirty-first—That Section 16 of Article I be added, to read:

SEC. 16. Trial by jury is an inviolate right and shall be secured to all, but in a civil cause three-fourths of the jury may render a verdict. A jury may be waived in a criminal cause by the consent of both parties expressed in open court by the defendant and the defendant's counsel. In a civil cause a jury may be waived by the consent of the parties expressed as prescribed by statute.

In civil causes and cases of misdemeanor the jury may consist of 12 or a lesser number agreed on by the parties in open court.

Thirty-second—That Section 17 of Article I be repealed.

Thirty-third—That Section 17 of Article I be added, to read:

SEC. 17. Cruel or unusual punishment may not be inflicted or excessive fines imposed.

Thirty-fourth—That Section 18 of Article I be repealed.

Thirty-fifth—That Section 18 of Article I be added, to read:

SEC. 18. Treason against the State consists only in levying war against it, adhering to its enemies, or giving them aid and comfort. A person may not be convicted of treason except on the evidence of two witnesses to the same overt act or by confession in open court.

Thirty-sixth—That Section 19 of Article I be repealed.

Thirty-seventh—That Section 19 of Article I be added, to read:

SEC. 19. Private property may be taken or damaged for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation.

Thirty-eighth—That Section 20 of Article I be repealed.

Thirty-ninth—That Section 20 of Article I be added, to read:

SEC. 20. Noncitizens have the same property rights as citizens.

Fortieth—That Section 21 of Article I be repealed.

Forty-first—That Section 22 of Article I be repealed.

Forty-second—That Section 22 of Article I be added, to read:

SEC. 22. The right to vote or hold office may not be conditioned by a property qualification.

Forty-third—That Section 23 of Article I be repealed.

Forty-fourth—That Section 23 of Article I be added, to read:

SEC. 23. One or more grand juries shall be drawn and summoned at least once a year in each county.

Forty-fifth—That Section 24 of Article I be repealed.

Forty-sixth—That Section 24 of Article I be added, to read:

SEC. 24. Rights guaranteed by this Constitution are not dependent on those guaranteed by the United States Constitution.

This declaration of rights may not be construed to impair or deny

others retained by the people.

Forty-seventh—That Section 26 of Article I be repealed.

Forty-eighth—That Section 26 of Article I be added, to read:

SEC. 26. All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.

Forty-ninth—That Section 28 of Article I be added, to read:

SEC. 28. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

Fiftieth—That Section 16 of Article IV be amended to read:

SEC. 16. (a) All laws of a general nature have uniform operation.

(b) A local or special statute is invalid in any case if a general statute can be made applicable.

Fifty-first—That Section 8 of Article XX be amended and renumbered to be Section 21 of Article I:

SEC. 21. Property owned before marriage or acquired during marriage by gift, will, or inheritance is separate property.

Fifty-second—That Section 18 of Article XX be amended and renumbered to be Section 8 of Article I:

SEC. 8. A person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, or national or ethnic origin.

RESOLUTION CHAPTER 91

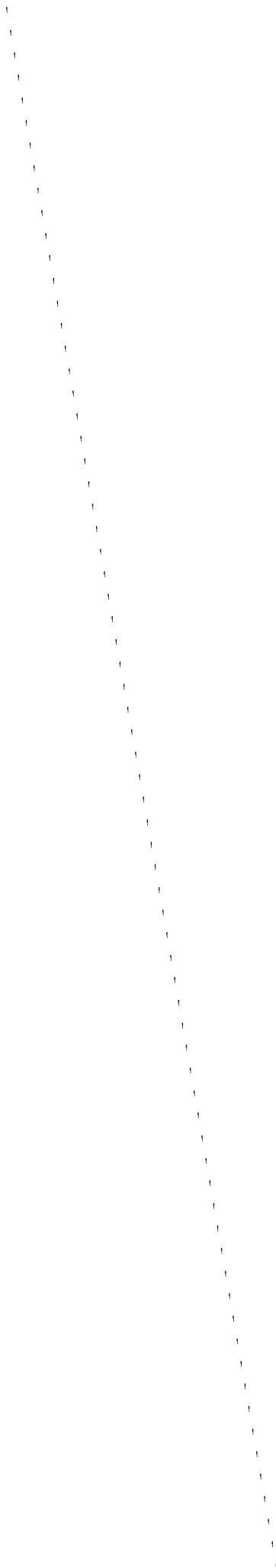
Assembly Constitutional Amendment No. 85—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 9.1 to Article IX thereof, relating to public postsecondary education.

[Filed with Secretary of State June 29, 1974.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 9.1 to Article IX thereof, to read:

SEC. 9.1. The Legislature shall determine whether students enrolled in state-supported regular academic terms and programs at the University of California shall be charged for instruction and instructional facilities, and the amount of any such charges. Any such charges which have been established by the Regents of the University of California and which are in force at the time this section becomes effective, shall remain in force until acted upon by

.



California Voters Pamphlet

General Election November 5, 1974

*Compiled by Edmund G. Brown Jr.
Secretary of State*

*Analyses by A. Alan Post
Legislative Analyst*



Ballot Title

DECLARATION OF RIGHTS. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Reorganizes and substantively amends various provisions of Article I and relocates portions of Articles IV and XX of California Constitution. Amendments include, among others, right to interpreter at state expense for criminal defendant who cannot understand English, provision that court may grant release on own recognizance, provision that property rights of noncitizens to be the same as for citizens, and revision of eminent domain provisions. Deletes, among others, provisions respecting criminal libel actions, provisions regarding right to sell or rent real property, provisions concerning acquisition of lands for public improvements. Financial impact: No increase in government costs.

FINAL VOTE CAST BY LEGISLATURE ON ACA 60 (PROPOSITION 7):

ASSEMBLY—Ayes, 57
Noes, 16

SENATE—Ayes, 27
Noes, 4

Analysis by Legislative Analyst

PROPOSAL:

This proposition revises Article I of the State Constitution, which declares the fundamental rights of the people of the state. The proposition (1) deletes obsolete provisions, (2) clarifies existing law, (3) puts into the Constitution some rights which now exist in the federal Constitution, (4) defines the rights of those charged with crime, (5) authorizes the Legislature to revise eminent domain and grand jury proceedings, and (6) deletes material suitable for statutory enactment.

Obsolete Provisions Deleted. The proposition deletes two provisions from the California Constitution because the United States Supreme Court has found they conflict with the federal Constitution. One provision relates to trial court procedure when a person accused of a crime chooses not to testify on his own behalf. The other provision relates to discrimination in real estate transactions.

Clarification of Existing Law. First, the proposition says the noncitizens have the same property rights in California as citizens. Second, the proposition says that rights guaranteed by the State Constitution are not dependent on those guaranteed by the federal Constitution.

Federal Rights in State Constitution. The proposition puts the following three rights into the State Constitution. These rights presently are contained in the federal Constitution.

(a) The Legislature shall make no law respecting the establishment of religion.

(b) A person may not be deprived of life, liberty, or property without due process of law.

(c) A person may not be denied equal protection of the laws.

Rights of Persons Accused of Crime. Presently the State Constitution gives specific rights to persons accused of crime. This proposition adds the following:

(1) The accused person has the right to be confronted with the witnesses against him.

(2) The accused person has a right to have the assistance of a lawyer.

(3) The accused person has a right to be personally present with a lawyer at the trial.

(4) If the accused person does not understand English, he has the right to an interpreter.

(5) Instead of being released on bail prior to trial, the accused person may be released on his or her own recognizance at the discretion of the court.

These rights already exist either in the United States Constitution or in present law. The amendment makes them part of the California Constitution.

Revision of Eminent Domain Procedure. If a state or local government takes real property for public use, the owner of the property has a right to be compensated. If the owner of the property and the government disagree over the proper amount of compensation, the dispute is settled by a trial.

Presently, the government may take possession of the property before the trial takes place by depositing money with the court as security for payment. The court decides how much the security deposit must be. This procedure is called "immediate possession."

The present Constitution limits the power to take immediate possession to specified governments, in specified circumstances, and for specified uses. This proposition will allow the Legislature to determine when immediate possession may take place, and who may act as a condemnor.

Grand Juries. Presently the Constitution requires each county to summon a grand jury once each year. Without changing that requirement, this proposition allows the Legislature to provide for summoning more than one grand jury each year.

Deletion of Material Suited for Statutory Enactment. The proposition deletes from the Constitution (a) detailed rules of criminal indictment procedure and (b) detailed rules of procedure in criminal prosecutions for libel.

FISCAL EFFECT:

This proposition does not increase government costs.

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 60 (Statutes of 1974, Resolution Chapter 90) expressly amends existing articles of the Constitution by amending and repealing various sections thereof and adding sections thereto. Therefore, the provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLES I, IV, AND XX

First—That Section 1 of Article I be repealed.

SECTION 1. All people are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety, happiness, and privacy.

Second—That Section 1 of Article I be added, to read:

SECTION 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

Third—That Section 2 of Article I be repealed.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it.

Fourth—That Section 2 of Article I be added, to read:

SEC. 2. Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

Fifth—That Section 3 of Article I be added, to read:

SEC. 3. The people have the right to instruct their representatives, petition government for redress of grievances, and *to assemble freely to consult for the common good.*

Sixth—That Section 4 of Article I be repealed.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Seventh—That Section 4 of Article I be added, to read:

SEC. 4. Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion.

A person is not incompetent to be a witness or juror because of his or her opinions on religious beliefs.

Eighth—That Section 5 of Article I be repealed.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

Ninth—That Section 5 of Article I be added, to read:

SEC. 5. The military is subordinate to civil power. A standing army may not be maintained in peacetime. Soldiers may not be quartered in any house in wartime except as prescribed by law, or in peacetime without the owner's consent.

Tenth—That Section 6 of Article I be repealed.

SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

Eleventh—That Section 6 of Article I be added, to read:

SEC. 6. Slavery is prohibited. Involuntary servitude is prohibited except to punish crime.

Twelfth—That Section 7 of Article I be repealed.

SEC. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three-fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases, by the consent of both parties, expressed in open court by the defendant and his counsel; and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.

Thirteenth—That Section 7 of Article I be added, to read:

SEC. 7. (a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws.

(b) A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. Privileges or immunities granted by the Legislature may be altered or revoked.

Fourteenth—That Section 8 of Article I be repealed.

SEC. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. When a defendant is charged with the commission of a felony, by a written complaint subscribed under oath and on file in a court within the county in which the felony is triable, he shall, without unnecessary delay, be taken before a magistrate of such court. The magistrate shall immediately deliver to him a copy of the complaint, inform him of his right to the aid of counsel; ask him if he desires the aid of counsel; and allow him a reasonable time to send for counsel; and the magistrate must, upon the request of the defendant, require a peace officer to take a message to any counsel whom the defendant may name, in the city or township in which the court is situated. If the felony charged is not punishable with death, the magistrate shall immediately upon the appearance of counsel for the defendant read the complaint to the defendant and ask him whether he pleads guilty or not guilty to the offense charged therein; thereupon, or at any time thereafter while the charge remains pending before the magistrate and when his counsel is present, the defendant may, with the consent of the magistrate and the district attorney or other counsel for the people, plead guilty to the offense charged or to any other offense the commission of which is necessarily included in that with which he is charged; or to an attempt to commit the offense charged; and upon such plea of guilty, the magistrate shall immediately commit the defendant to the sheriff and certify the case, including a copy of all proceedings therein and such testimony as in his discretion he may require to be taken, to the superior court, and thereupon such proceedings shall be had as if such defendant had pleaded guilty in such court.

The foregoing provisions of this section shall be self-executing. The Legislature may prescribe such procedure in cases herein provided for as is not inconsistent herewith. In cases not hereinabove provided

Continued on page 70

TEXT OF PROPOSITION 2

This amendment proposed by Assembly Constitutional Amendment 81 (Statutes of 1974, Resolution Chapter 81) expressly amends an existing section of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE XI

SEC. 3. (a) For its own government, a county or city may adopt

a charter by majority vote of its electors voting on the question. The charter is effective if ~~approved without change by resolution of the Legislature, by rollcall vote entered in the journal, a majority of membership of each house concurring when filed with the Secretary of State. A charter may be amended, revised, or repealed in the same manner. A charter, amendment, revision, or repeal thereof shall be published in the official state statutes. County charters adopted pursuant to this section shall supersede any existing charter and all laws inconsistent therewith. A charter may be amended, revised, or repealed in the same manner. The provisions of a charter are the law of the State and have the force and effect of legislative enactments.~~

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TEXT OF PROPOSITION 6

This amendment proposed by Senate Constitutional Amendment 26 (Statutes of 1974, Resolution Chapter 77) expressly amends an existing article of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLE XIII

SEC. 1d. The homeowners' property tax exemption shall apply to each dwelling, as defined by the Legislature, occupied by an owner thereof on the lien date as his principal place of residence. This exemption shall not apply to any dwelling if an owner thereof has been granted an exemption for the assessment year pursuant to Section 14, 14a or 14b of this article, nor shall it apply to any property which the Legislature, by general laws, excludes from the exemption by reason of the fact that the tax on such property is paid either in whole or in part, either directly or indirectly, by the state or any political subdivision thereof. Only one homeowners' property tax exemption shall apply to each dwelling.

There is exempt from taxation the amount of ~~\$750~~ *\$1,750* of the assessed value of the dwelling and this shall be known as the homeowners' property tax exemption. The amount of the exemption may be increased or decreased by the Legislature, a majority of all of the members elected to each of the two houses voting in favor thereof, but such exemption shall not be reduced below ~~\$750~~ *\$1,750* of such assessed value.

The Legislature shall provide by general laws for subventions to counties, cities and counties, cities, and districts in this state in an amount equal to the amount of revenue lost by each such county, city and county, city, and district by reason of the homeowners' property tax exemption. No increase by the Legislature in the homeowners' property tax exemption above the amount of ~~\$750~~ *\$1,750* shall be effective for any fiscal year, unless the Legislature increases the rate of state taxes in an amount sufficient to provide subventions, and shall provide subventions, during such fiscal year to each county, city and county, city and district in this state a sum equal to the amount of revenue lost by each by reason of such increase.

If the Legislature increases the homeowners' property tax exemption, it shall provide increases in benefits to qualified renters, as defined by law, comparable to the average increase in benefits to homeowners as calculated by the Legislature.

Any revenues subvented by the state to replace revenues lost by reason of the homeowners' property tax exemption may be used by a county, city and county, city, or district for state purposes or for county, city and county, city, or district purposes, as the case may be.

Nothing in this Constitution shall constitute a limitation on the taxation of property, or on the bonding capacity of the state or of any city, city and county, county, or district, when based on a percentage of assessed or market value of property; provided, however, that the Legislature may establish maximum property tax rates and bonding limitations for units of local government.

For the 1968/1969 fiscal year only, the Legislature may effect the exemption by payment of \$70 to taxpayers in the manner specified in Senate Bill No. 8 of the 1968 First Extraordinary Session of the Legislature; the provisions of which are hereby ratified.

[Second Resolved Clause]

And be it further resolved, That if Assembly Constitutional Amendment No. 32 of the 1973-74 Regular Session of the Legislature is approved by the voters in the general election to be held on November 5, 1974, that Section 1d of Article XIII, as amended in the first resolved clause of this senate constitutional amendment shall not become operative;

[Third Resolved Clause]

And be it further resolved, That if Assembly Constitutional Amendment No. 32 of the 1973-74 Regular Session of the Legislature is approved by the voters in the general election to be held on November 5, 1974, that the Constitution of the state be further amended by adding subdivision (k) to Section 3 of Article XIII, to read as follows:

(k) *\$7,000 of the full value of a dwelling, as defined by the Legislature, when occupied by an owner as his principal residence, unless the dwelling is receiving another real property exemption. The Legislature may increase this exemption and may deny it if the owner received State or local aid to pay taxes either in whole or in part, and either directly or indirectly, on the dwelling.*

No increase in this exemption above the amount of \$7,000 shall be effective for any fiscal year unless the Legislature increases the rate of State taxes in an amount sufficient to provide the subventions required by Section 25.

If the Legislature increases the homeowners' property tax exemption, it shall provide increases in benefits to qualified renters, as defined by law, comparable to the average increase in benefits to homeowners, as calculated by the Legislature.

TEXT OF PROPOSITION 7—continued from page 27

for, such proceedings shall be had as are now or may be hereafter prescribed by law; not inconsistent herewith.

A grand jury shall be drawn and summoned at least once a year in each county.

Fifteenth—That Section 9 of Article I be repealed.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press; in all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the facts, indictments found, or information laid, for publications in

newspapers shall be tried in the county where such newspapers have their publication office; or in the county where the party alleged to be libeled resided at the time of the alleged publication; unless the place of trial shall be changed for good cause.

Sixteenth—That Section 9 of Article I be added, to read:

SEC. 9. A bill of attainder, ex post facto law, or law impairing the obligation of contracts may not be passed.

Seventeenth—That Section 10 of Article I be repealed.

SEC. 10. The people shall have the right to freely assemble together to consult for the common good; to instruct their representatives; and to petition the Legislature for redress of grievances.

Eighteenth—That Section 10 of Article I be added, to read:

SEC. 10. Witnesses may not be unreasonably detained. A person

may not be imprisoned in a civil action for debt or tort, or in peace time for a militia fine.

Nineteenth—That Section 11 of Article I be repealed.

SEC. 11. All laws of a general nature shall have a uniform operation.

Twentieth—That Section 11 of Article I be added, to read:

SEC. 11. Habeas corpus may not be suspended unless required by public safety in cases of rebellion or invasion.

Twenty-first—That Section 12 of Article I be repealed.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace; and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

Twenty-second—That Section 12 of Article I be added, to read:

SEC. 12. A person shall be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required.

A person may be released on his or her own recognizance in the court's discretion.

Twenty-third—That Section 13 of Article I be repealed.

SEC. 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial and to have the assistance of counsel for his defense; to have the process of the court to compel the attendance of witnesses in his behalf and to be personally present with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; but in any criminal case, whether the defendant testifies or not, his failure to explain or to deny by his testimony any evidence or facts in the case against him may be commented upon by the court and by counsel, and may be considered by the court or the jury. The Legislature shall have power to require the defendant in a felony case to have the assistance of counsel. The Legislature also shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases, other than cases of homicide when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

Twenty-fourth—That Section 13 of Article I be added, to read:

SEC. 13. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

Twenty-fifth—That Section 14 of Article I be repealed.

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way or lands to be used for reservoir purposes shall be appropriated to the use of any corporation, except a municipal corporation or a county or the State or metropolitan water district, municipal utility district, municipal water district, drainage, irrigation, levee, reclamation or water conservation district, or similar public corporation until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law; provided, that in any proceeding in eminent domain brought by the State, or a county, or a municipal corporation, or metropolitan water district, municipal utility district, municipal water district, drainage, irrigation, levee, reclamation or water conservation district, or similar public corporation, the aforesaid State or municipality or county or public corporation or district aforesaid may take immediate possession and use of any right of way or lands to be used for reservoir purposes, required for a public use whether the fee thereof or an easement therefor be sought upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction and thereupon giving such security in the way of money deposited as the court in which such proceedings are pending may direct, and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the property; as soon as the same can be ascertained according to law. The court may, upon motion of any party to said eminent domain proceedings, after such notice to the other parties as the court may prescribe, alter the amount of such security so required in such proceedings. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier.

Twenty-sixth—That Section 14 of Article I be added, to read:

SEC. 14. Felonies shall be prosecuted as provided by law, either by indictment or, after examination and commitment by a magistrate, by information.

A person charged with a felony by complaint subscribed under penalty of perjury and on file in a court in the county where the felony is triable shall be taken without unnecessary delay before a magistrate of that court. The magistrate shall immediately give the defendant a copy of the complaint, inform the defendant of the defendant's right to counsel, allow the defendant a reasonable time to send for counsel, and on the defendant's request read the complaint to the defendant. On the defendant's request the magistrate shall require a peace officer to transmit within the county where the court is located a message to counsel named by defendant.

A person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.

Twenty-seventh—That Section 14½ of Article I be repealed.

SEC. 14½. The State, or any of its cities or counties, may acquire by gift, purchase or condemnation, lands for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, squares, parkways and reservations in and about and along and leading to any or all of the same, providing land so acquired shall be limited to parcels lying wholly or in part within a distance not to exceed one hundred fifty feet from the closest boundary of such public works or improvements; provided, that when parcels which lie only partially within said limit of one hundred fifty feet only such portions may be acquired which do not exceed two hundred feet from said closest boundary, and after the establishment, laying out, and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such real estate so as to protect such public works and improvements and their environs and to preserve the view, appearance, light, air and usefulness of such public works.

The Legislature may, by statute, prescribe procedure.

Twenty-eighth—That Section 15 of Article I be repealed.

SEC. 15. No person shall be imprisoned for debt in any civil action, on motion or final process, unless in cases of fraud; nor in civil actions for torts, except in cases of wilful injury to person or property; and no person shall be imprisoned for a militia fine in time of peace.

Twenty-ninth—That Section 15 of Article I be added, to read:

SEC. 15. The defendant in a criminal cause has the right to a speedy public trial, to compel attendance of witnesses in the defendant's behalf, to have the assistance of counsel for the defendant's defense, to be personally present with counsel, and to be confronted with the witnesses against the defendant. The Legislature may provide for the deposition of a witness in the presence of the defendant and the defendant's counsel.

Persons may not twice be put in jeopardy for the same offense, be compelled in a criminal cause to be a witness against themselves, or be deprived of life, liberty, or property without due process of law.

Thirtieth—That Section 16 of Article I be repealed.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed.

Thirty-first—That Section 16 of Article I be added, to read:

SEC. 16. Trial by jury is an inviolate right and shall be secured to all, but in a civil cause three-fourths of the jury may render a verdict. A jury may be waived in a criminal cause by the consent of both parties expressed in open court by the defendant and the defendant's counsel. In a civil cause a jury may be waived by the consent of the parties expressed as prescribed by statute.

In civil causes and cases of misdemeanor the jury may consist of 12 or a lesser number agreed on by the parties in open court.

Thirty-second—That Section 17 of Article I be repealed.

SEC. 17. Foreigners, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of all property, other than real estate, as native born citizens; provided, that such aliens owning real estate at the time of the adoption of this amendment may remain such owners; and provided further, that the Legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise.

Thirty-third—That Section 17 of Article I be added, to read:

SEC. 17. Cruel or unusual punishment may not be inflicted or excessive fines imposed.

Thirty-fourth—That Section 18 of Article I be repealed.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

Thirty-fifth—That Section 18 of Article I be added, to read:

SEC. 18. Treason against the State consists only in levying war against it, adhering to its enemies, or giving them aid and comfort. A person may not be convicted of treason except on the evidence of two witnesses to the same overt act or by confession in open court.

Thirty-sixth—That Section 19 of Article I be repealed.

SEC. 10. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

Thirty-seventh—That Section 19 of Article I be added, to read:

SEC. 19. Private property may be taken or damaged for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation.

Thirty-eighth—That Section 20 of Article I be repealed.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open Court.

Thirty-ninth—That Section 20 of Article I be added, to read:

SEC. 20. Noncitizens have the same property rights as citizens.

Fortieth—That Section 21 of Article I be repealed.

SEC. 21. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature; nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.

Forty-first—That Section 22 of Article I be repealed.

SEC. 22. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

Forty-second—That Section 22 of Article I be added, to read:

SEC. 22. The right to vote or hold office may not be conditioned by a property qualification.

Forty-third—That Section 23 of Article I be repealed.

SEC. 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

Forty-fourth—That Section 23 of Article I be added, to read:

SEC. 23. One or more grand juries shall be drawn and summoned at least once a year in each county.

Forty-fifth—That Section 24 of Article I be repealed.

SEC. 24. No property qualification shall ever be required for any person to vote or hold office.

Forty-sixth—That Section 24 of Article I be added, to read:

SEC. 24. Rights guaranteed by this Constitution are not dependent on those guaranteed by the United States Constitution. This declaration of rights may not be construed to impair or deny others retained by the people.

Forty-seventh—That Section 26 of Article I be repealed.

SEC. 26. Neither the State nor any subdivision or agency thereof shall deny, limit or abridge, directly or indirectly, the right of any person, who is willing or desires to sell, lease or rent any part or all of his real property, to decline to sell, lease or rent such property to such person or persons as he, in his absolute discretion, chooses.

'Person' includes individuals, partnerships, corporations and all legal entities and their agents or representatives but does not include the State or any subdivision thereof with respect to the sale, lease or rental of property owned by it.

'Real property' consists of any interest in real property of any kind or quality, present or future, irrespective of how obtained or financed, which is used, designed, constructed, zoned or otherwise devoted to or limited for residential purposes whether as a single family dwelling or as a dwelling for two or more persons or families living together or independently of each other.

This Article shall not apply to the obtaining of property by eminent domain pursuant to Article I, Sections 14 and 14½, of this Constitution; nor to the renting or providing of any accommodations for lodging purposes by a hotel, motel or other similar public place engaged in furnishing lodging to transient guests.

If any part or provision of this Article, or the application thereof to any person or circumstance, is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end the provisions of this Article are severable.

Forty-eighth—That Section 26 of Article I be added, to read:

SEC. 26. All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.

Forty-ninth—That Section 28 of Article I be added, to read:

SEC. 28. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

Fiftieth—That Section 16 of Article IV be amended to read:

SEC. 16. (a) All laws of a general nature have uniform operation.

(b) A local or special statute is invalid in any case if a general statute can be made applicable.

Fifty-first—That Section 8 of Article XX be amended and renumbered to be Section 21 of Article I:

SEC. 8 21. Property owned before marriage or acquired during marriage by gift, will, or inheritance is separate property.

Fifty-second—That Section 18 of Article XX be amended and renumbered to be Section 8 of Article I:

SEC. 18 8. A person may not be disqualified because of sex, from entering or pursuing a lawful business, profession, vocation, or profession employment because of sex, race, creed, color, or national or ethnic origin.

TEXT OF PROPOSITION 8

This amendment proposed by Assembly Constitutional Amendment 32 (Statutes of 1974, Resolution Chapter 70) expressly amends the Constitution by amending, adding, and repealing various articles and sections. Therefore, the provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLES IV, IX, XI, XIII, XVI, XX, AND XXVIII

First—That subdivision (e) be added to Section 12 of Article IV, to read:

(e) *The Legislature may control the submission, approval, and enforcement of budgets and the filing of claims for all State agencies.*

Second—That Section 6 of Article IX be amended, to read:

SEC. 6. Each person, other than a substitute employee, employed by a school district as a teacher or in any other position requiring certification qualifications shall be paid a salary which shall be at the rate of an annual salary of not less than twenty-four hundred dollars (\$2,400) for a person serving full time, as defined by law.

The Public School System shall include all kindergarten schools, elementary schools, secondary schools, technical schools, and State colleges, established in accordance with law and, in addition, the school districts and the other agencies authorized to maintain them. No school or college or any other part of the Public School System shall be, directly or indirectly, transferred from the Public School System or placed under the jurisdiction of any authority other than

one included within the Public School System.

The Legislature shall add to the State School Fund such other means from the revenues of the State as shall provide in said fund for apportionment in each fiscal year, an amount not less than one hundred and eighty dollars (\$180) per pupil in average daily attendance in the kindergarten schools, elementary schools, secondary schools, and technical schools in the Public School System during the next preceding fiscal year.

The entire State School Fund shall be apportioned in each fiscal year in such manner as the Legislature may provide, through the school districts and other agencies maintaining such schools, for the support of, and aid to, kindergarten schools, elementary schools, secondary schools, and technical schools except that there shall be apportioned to each school district in each fiscal year not less than one hundred twenty dollars (\$120) per pupil in average daily attendance in the district during the next preceding fiscal year and except that the amount apportioned to each school district in each fiscal year shall be not less than twenty-four hundred dollars (\$2,400).

Solely with respect to any retirement system provided for in the charter of any county or city and county pursuant to the provisions of which the contributions of, and benefits to, certificated employees of a school district who are members of such system are based upon the proportion of the salaries of such certificated employees contributed by said county or city and county, all amounts apportioned to said county or city and county, or to school districts therein, pursuant to the provisions of this section shall be considered as though derived from county or city and county school taxes for the support of county and city and county government and not money provided by the State within the meaning of this section.

The Legislature shall provide for the levying annually by the

at any time after the approval of such law by the people, reduce the amount of the indebtedness authorized by the law to an amount not less than the amount contracted at the time of the reduction, or it may repeal the law if no debt shall have been contracted in pursuance thereof.

Notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with the State Allocation Board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending or coming before such board for the allocation and apportionment of funds to school districts for school construction purposes or purposes related thereto.

Second—That the sections of the Constitution enumerated in subdivision (c) of Section 2 of Article XVI, as added by this amendment, are repealed as provided in said section.

Third—That a new Section 2 is added to Article XVI, to read:

SEC. 2. (a) No amendment to this Constitution which provides for the preparation, issuance and sale of bonds of the State of California shall hereafter be submitted to the electors, nor shall any such amendment to the Constitution hereafter submitted to or approved by the electors become effective for any purpose.

Each measure providing for the preparation, issuance and sale of bonds of the State of California shall hereafter be submitted to the electors in the form of a bond act or statute.

(b) The provisions of this Constitution enumerated in subdivision (c) of this section are repealed and such provisions are continued as statutes which have been approved, adopted, legalized, ratified, validated, and made fully and completely effective, by means of the adoption by the electorate of a ratifying constitutional amendment, except that the Legislature, in addition to whatever powers it possessed under such provisions, may amend or repeal such provisions when the bonds issued thereunder have been fully retired and when no rights thereunder will be damaged.

(c) The enumerated provisions of this Constitution are: Article XVI, Sections 2, 3, 4, 4½, 5, 6, 8, 8½, 15, 16, 16.5, 17, 18, 19, 19.5, 20 and 21.

CHAPTER 222

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XVIII, relating to revision of the California Constitution.

[Filed with Secretary of State June 19, 1961.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January, 1961, two-

thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 1 of Article XVIII, to read:

SECTION 1. Any amendment or amendments to, or revision of, this Constitution may be proposed in the Senate or Assembly, and if two-thirds of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment, amendments, or revision shall be entered in their Journals, with the yeas and nays taken thereon; and it shall be the duty of the Legislature to submit such proposed amendment, amendments, or revision to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, or such revision, by a majority of the qualified electors voting thereon such amendment or amendments shall become a part of this Constitution, and such revision shall be the Constitution of the State of California or shall become a part of the Constitution if the measure revises only a part of the Constitution.

CHAPTER 223

Assembly Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article XVI thereof a new section to be numbered 1.5, relating to general obligation bonds.

[Filed with Secretary of State June 19, 1961]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 1.5 to Article XVI thereof, to read:

SEC. 1.5. The Legislature may create and establish a "General Obligation Bond Proceeds Fund" in the State Treasury, and may provide for the proceeds of the sale of general obligation bonds of the State heretofore or hereafter issued, including any sums paid as accrued interest thereon, under any or all acts authorizing the issuance of such bonds, to be paid into or transferred to, as the case may be, the "General Obligation Bond Proceeds Fund." Accounts shall be maintained in the "General Obligation Bond Proceeds Fund" of all moneys

Proposed
AMENDMENTS TO
CONSTITUTION

PROPOSITIONS AND
PROPOSED LAWS

Together With Arguments

To Be Submitted to the Electors
of the State of California at the

GENERAL ELECTION
TUESDAY, NOV. 6, 1962

Compiled by A. C. MORRISON, Legislative Counsel
Distributed by FRANK M. JORDAN, Secretary of State

the preparation, issuance and sale of state bonds. Such measures would be required to be submitted to the voters as statutes.

This measure would also require all state bond issues to be passed by the Legislature by a $\frac{2}{3}$ vote, instead of only those bond issues to be submitted to the voters at a primary election.

A "Yes" vote on this measure would make the State Constitution more easily applicable to modern use without removing any of the legal safeguards contained in the State Constitution.

JOHN A. BUSTERUD
Member of Assembly,
California Legislature

WILLIAM T. BAGLEY
Assemblyman, Sonoma-Marin Counties

Argument Against Proposition No. 6

This proposal to chop away a substantial part of our Constitution is a grossly inadequate substitute for the overall revision that is being called for by our most responsible citi-

zens. The Constitution is our state's most vital, fundamental document. It was carefully drafted by our forefathers and the numerous additions made over the years were the result of profound study and careful selection by an informed electorate. Improvement should be thoughtfully planned by a Constitutional Convention and should not take this form of a ruthless tearing out of pages.

The right of Californians to vote for vital bond issues will be abridged by this proposal: whereas a simple majority vote of the Legislature is now sufficient to place a bond issue before the citizenry at a general election, this proposal would require a two-thirds vote of each house. This would give the foes of improved schools, veterans' home loans and better parks and highways the opportunity to thwart bond issues by garnering a mere 34 percent of the votes of the Legislature.

JACK E. GABRIEL
Certified Public Accountant
San Francisco

7 **CONSTITUTION REVISION.** Assembly Constitutional Amendment No. 14. Empowers Legislature to propose a revision of the Constitution to be voted on by the people. Provides that revision if approved by majority of electors voting shall be the Constitution or part of the Constitution if the revision revises only a part of the Constitution.

YES	
NO	

For Full Text of Measure, See Page 13, Part II

Analysis by the Legislative Counsel

This measure would amend Section 1 of Article XVIII of the Constitution. It would authorize the Legislature by a vote of two-thirds of the members elected to each house to propose complete or partial "revisions" of the Constitution for approval or rejection by the people. Under existing provisions the Legislature can only propose "amendments," that is measures which propose changes specific and limited in nature. "Revisions," i.e., proposals which involve broad changes in all or a substantial part of the Constitution, can presently be proposed only by convening a constitutional convention.

Argument in Favor of Proposition No. 7

This measure would permit the Legislature to propose and submit to the people a revision of all or part of the State Constitution.

While the California Constitution as construed by our courts permits the Legislature to propose specific amendments to the California Constitution for approval by the people, it does not permit the Legislature to submit to a vote of the people a revision of the entire Constitution or amendments that are broad enough to revise a substantial part of it. This can be done only by means of a constitutional convention. Such a convention may be convened if the Legislature proposes it and the voters approve. The Legislature is then required to provide the necessary machinery for election and convening. The convention must meet and draft a revised Constitution, which must be approved or rejected by the

voters. California has not had a convention since our present Constitution was approved in 1879.

To allow the Legislature to propose a complete revision, or broad change in one or more entire areas, would not violate any principles of our democratic process. A $\frac{2}{3}$ vote of each house of the Legislature would be necessary before such revisions could be submitted to the electorate and the revision or revisions would be adopted only after approval by the voters.

Most state legislatures are free to propose to the people extensive and significant constitutional changes, whether drawn up by an expert commission or a legislative committee. In the past decade alone ten states, among them New York, Pennsylvania and Texas, have approached constitutional improvement by this method. Short of a constitutional convention, California has no way to make coordinated broad changes to renovate outdated sections and articles in its Constitution.

A yes vote will allow an alternative approach to necessary revisions in the California Constitution.

JOHN A. BUSTERUD
Member of Assembly
California Legislature
MAX EDDY UTT
Chairman, Citizens Legislative
Advisory Commission
LEAGUE OF WOMEN VOTERS
OF CALIFORNIA
MRS. LAUFER T. HAYES
President

fore such board concerning this section or any other section of the Constitution or legislative act authorizing the allocation of funds to school districts for purposes the same or substantially the same as those enumerated in this section.

The Legislature shall require each district receiving an allocation of money from the sale of bonds pursuant to this section for the purposes prescribed in subdivision (a) of this section to repay such money to the State on such terms and in such amounts as may be within the ability of the district to repay.

The Legislature may require each district receiving an allocation of money from the sale of bonds pursuant to this section for the purposes prescribed in subdivision (b) of this section to repay such money to the State on such terms and in such amounts as the Legislature deems proper.

The people of the State of California in adopting this section hereby declare that it is in the interests of the State and of the people thereof for the State to aid school districts of the State in providing necessary school sites and buildings for the pupils of the public school system, such system being a matter of general concern inasmuch as the education of the chil-

dren of the State is an obligation and function of the State.

Sec. 21. The issuance and sale of bonds of the State of California, not exceeding in the aggregate the sum of four hundred million dollars (\$400,000,000), and the use and disposition of the proceeds of the sale of said bonds, all as provided in the Veterans Bond Act of 1960 (Article 26 of Chapter 6 of Division 4 of the Military and Veterans Code) authorizing the issuance and sale of state bonds in the sum of four hundred million dollars (\$400,000,000) for the purpose of providing a fund to be used and disbursed to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943, and all acts amendatory and supplemental thereto are hereby authorized and directed and said Veterans Bond Act of 1960 is hereby approved, adopted, legalized, ratified, validated, and made fully and completely effective upon the effective date of this amendment to the Constitution. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this Constitution contained shall be a limitation upon the provisions of this section.

7 **CONSTITUTION REVISION.** Assembly Constitutional Amendment No. 14. Empowers Legislature to propose a revision of the Constitution to be voted on by the people. Provides that revision if approved by majority of electors voting shall be the Constitution or part of the Constitution if the revision revises only a part of the Constitution.

YES	
NO	

(This proposed amendment expressly amends an existing section of the Constitution; therefore **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE XVIII

SECTION 1. Any amendment or amendments to, or revision of, this Constitution may be proposed in the Senate or Assembly, and if two-thirds of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment, or amendments, or revision shall be entered in their Journals, with the yeas and nays taken thereon; and it shall

be the duty of the Legislature to submit such proposed amendment, or amendments, or revision to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, or such revision, by a majority of the qualified electors voting thereon such amendment or amendments shall become a part of this Constitution, and such revision shall be the Constitution of the State of California or shall become a part of the Constitution if the measure revises only a part of the Constitution.

8 **GENERAL LEGISLATIVE SESSIONS.** Assembly Constitutional Amendment No. 21. Permits legislative bills to be heard by committees 20 rather than 30 days after introduction at a general session. Allows Legislature to take a recess not to exceed 10 calendar days, which shall not be counted in computing duration of general session.

YES	
NO	

(This proposed amendment expressly amends an existing section of the Constitution; therefore **NEW PROVISIONS** proposed to be **INSERTED** or **ADDED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE IV

First.—That the fifth paragraph of subdivision (a) of Section 2 of Article IV is amended to read:

PROOF OF SERVICE

I, Andrew P. Pugno, declare: I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 101 Parkshore Drive, Suite 100, Folsom, CA 95630.

On December 19, 2008, I served the following document(s):

- 1. REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF INTERVENERS' OPPOSITION BRIEF; DECLARATION OF ANDREW P. PUGNO; PROPOSED ORDER**

on the interested parties in this action, by placing a true copy thereof in sealed envelope(s) addressed as follows:

PLEASE SEE ATTACHED SERVICE LIST

and served the document(s) in the manner indicated below:

- ☒ BY OVERNIGHT MAIL SERVICE: by placing the document(s) listed above in a sealed envelope and affixing a pre-paid air bill addressed as set forth in the Service List, and causing the envelope to be delivered to an overnight mail service for delivery.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.
Executed on December 19, 2008, at Folsom, California.



ANDREW P. PUGNO

Service List

For Supreme Court Case Nos. S168047, S168066 and S168078.

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